

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

JULY 2, 2015; 7:01 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN, TOM
DAY, JORY FRANCIS, SCOTT FREITAG AND JOY
PETRO**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, JAMES “WOODY”
WOODRUFF, PETER MATSON AND THIEDA
WELLMAN**

The meeting was held in the Council Chambers of the Layton City Center.

Mayor Stevenson opened the meeting and led the Pledge of Allegiance. Councilmember Petro gave the invocation. Scouts and students were welcomed.

MINUTES:

MOTION: Councilmember Brown moved and Councilmember Francis seconded to approve the minutes of:

**Layton City Council Work Meeting – May 7, 2015;
Layton City Council Meeting – May 7, 2015; and
Layton City Council Work Meeting – May 21, 2015.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown mentioned all the activities that would be held as part of the July 4th celebrations, including the parade and fireworks. She indicated that additional information was available on the City's website.

Councilmember Brown said on July 24th the City would sponsor the annual Riders in the Sky concert. She said this was a family friendly fun activity.

Mayor Stevenson indicated that the Council would be passing out popsicles at the parade. He said 13,000 popsicles would be handed out. Mayor Stevenson said Tom Winegar had been chosen as the Grand Marshal for the parade. He said the free concert before the fireworks was a very enjoyable event.

Councilmember Petro indicated that the City was implementing a farmers market, “Layton Fest.” She said the kickoff would be July 10th and there would be merchandise, artwork, food trucks, entertainment, and locally grown produce. Councilmember Petro said Layton Fest would be held Friday evenings throughout the summer.

Councilmember Petro recognized Michelle Howard in the Recreation Department for working on this event.

CONSENT AGENDA:

**ACQUISITION OF PROPERTY TO ACCOMMODATE ROAD IMPROVEMENTS AT THE
ANTELOPE DRIVE AND HILL FIELD ROAD INTERSECTION – RESOLUTION 15-43**

Gary Crane, City Attorney, said Resolution 15-43 would allow for the City to acquire property from the Maverik on the corner of Hill Field Road and Antelope Drive to accommodate a right hand turning lane at

the intersection. He said the Maverik was under construction and at the same time UDOT was doing construction in the area with widening of Antelope Drive. Gary said the Engineering Department indicated that there would also be two left turning lanes accommodated at the intersection. He said the resolution allowed Staff to continue the process of acquiring property and it allowed Staff to proceed forward with using the contractor that was currently working for UDOT in improving Antelope Drive. Gary said the City would also receive the benefit of the materials, which UDOT was getting at State price, to be able to complete those improvements. He said it was a good deal for the City, and there wouldn't be any impact to the Maverik store as they were temporarily closed for construction. Gary said Staff recommended approval.

Mayor Stevenson said there were going to be a lot of changes taking place on roads in the City, not only with Antelope Drive but on Hill Field Road by the mall and on Main Street. He said it would take some patience, but the City was working to improve traffic flow in these areas.

RE-APPOINTMENTS TO THE PLANNING COMMISSION – DAVID J. WEAVER AND ROBERT VAN DRUNEN – RESOLUTION 15-41

Peter Matson, City Planner, said Resolution 15-41 proposed the reappointment of two Planning Commission members. The appointments would run from July 1, 2015, to June 30, 2018. He said the Planning Commission was made up of 9 members; 7 regular and 2 alternate. Peter said David Weaver was first appointed to the Planning Commission in September 2009, and his present term started July 1, 2012. He said it was proposed that Mr. Weaver be reappointed for a three-year term. Peter said Robert Van Drunen was first appointed to the Planning Commission on July 1, 2013. He said the proposal was to reappoint Mr. Van Drunen for a three-year term. He said Mayor Stevenson recommended approval of these appointments and Staff supported that recommendation.

Mayor Stevenson said there was currently an opening on the Planning Commission and two candidates had been interviewed. He said they would be making a decision on the appointment in the next little while.

MOTION: Councilmember Petro moved to approve the Consent Agenda as presented. Councilmember Brown seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

DEVELOPMENT AGREEMENT AND REZONE REQUEST – ADAMS/CRAYTHORNE – A (AGRICULTURE) TO R-1-8 (SINGLE FAMILY RESIDENTIAL) – APPROXIMATELY 752 WEST GENTILE STREET – RESOLUTION 15-42 AND ORDINANCE 15-15

Mayor Stevenson asked Gary Crane, where the Council closed the public hearing and tabled this item at the last meeting, did a public hearing need to be opened.

Gary said the public hearing had been closed; the issue was back with the Council for discussion and/or a decision.

Mayor Stevenson said at the previous meeting the property owners and developers were going to meet and see if they could work out some arrangements that would meet everyone's needs. He said he had been contacted today by both parties and they had indicated that the process was ongoing and it was looking very positive that they could reach an agreement. Mayor Stevenson said both parties asked that this be continued for two weeks from tonight.

MOTION: Councilmember Freitag moved to continue this item for two weeks. Councilmember Francis seconded the motion, which passed unanimously.

DEVELOPMENT AGREEMENT AND REZONE REQUEST – FLINT/VAN DRIMMELEN – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – APPROXIMATELY 150 NORTH 2200 WEST – RESOLUTION 15-25 AND ORDINANCE 15-18

Peter Matson said this was a development agreement and rezone request submitted on behalf of the Flint and Van Drimmelen families for property located at approximately 150 North 2200 West. He said the property was currently zoned agriculture and the request was to rezone the property to R-S. Peter said Resolution 15-25 was associated with the development agreement and Ordinance 15-18 would rezone the property.

Peter said the parcel contained just over 6 acres of property with frontage on 2200 West. He said as mentioned in the earlier work meeting, the western portion of the property had already been rezoned to an R-S zone and was in the subdivision review process. Peter identified the property on a map.

Peter said with the zone change the applicant would move forward with a subdivision application to develop a continuation of the western portion in an R-S lot average subdivision. He said the Planning Commission reviewed a development agreement with this rezone, a copy of which was in the Council packet. Peter said the development agreement was a continuation of the same agreement language that was originally proposed when this property was combined with the property to the west. The primary aspects of the development agreement had to do with the possibility of the classification of 2200 West changing from an existing designation of a collector street to an arterial street, and widening would be necessary to accommodate that width that would impact the configuration associated with development of a subdivision on this property.

Peter said in the Planning Commission meeting the applicant expressed concerns about signing the development agreement without having a determination on 2200 West. He said as explained by Gary Crane in the earlier work meeting, the development agreement was usually agreed upon by the applicant and the City prior to the change of zoning. In this instance where it appeared that the applicant was not willing to sign the agreement, the proposal before the Council would be to move forward with the change of zoning to R-S, or possibly continue this to allow additional time for the Council to review the status of 2200 West. Peter said the Planning Commission recommended approval of the zone change and the development agreement.

Mayor Stevenson said relative to 2200 West and the Master Transportation Plan with an interchange in that area, it was his understanding that a few things on this property could be impacted.

Peter said that was correct.

Mayor Stevenson opened the meeting for public input.

Ed Green, 2150 Valley View Drive, said he was one of the owner's of the property. He said when he considered purchasing property, he liked to go to the City Staff to see what things would impact the property. Mr. Green said when they did that with this property, they found out that there would need to be a detention pond on the west side. He said at that time, Staff didn't even know that 2200 West could possibly be a 100-foot wide road. Mr. Green said one of the property owners, Mr. Johnson, wanted to retain a portion of the property for himself. He said if 2200 West became a 100-foot right of way it would probably take away the possibility of Mr. Johnson staying in the home on that portion of the property.

Mr. Green said they had moved forward with a plat; they would lose three lots if the road was widened. He said they were not the only ones on hold; Wayne Flint's home was located on the corner and was currently for sale. That home only had nine feet between the curb and the home. Mr. Green said Marsha Ashby, one of the owners of the property, was currently pursuing a rezone of that property to be able to sell it separately; she was on hold. How did you sell a piece of property not knowing what the City was doing with 2200 West; whether it would 66 feet, 84 feet or 100 feet wide. Mr. Green said if it became a 100-foot right of way they would lose the use of three building lots. He said there were a lot of people on hold.

Mr. Green said years ago when he developed the Swan Meadows subdivision, 2700 West was the designated

right of way off of the West Davis Corridor. Now, 15 years later, out of the blue, the City was looking at 2200 West. He said lives were on hold and he would hope that the Council would consider that and move forward.

Mayor Stevenson said the City was trying to look at the impact on 2200 West regardless of where the interchange would be. He said the Council was planning to meet on Monday, July 20th, to try and make a decision on the location of the interchange. Mayor Stevenson asked Mr. Green if he would be comfortable with continuing this for two meetings.

Mr. Green said he would prefer to go faster, but he understood the dilemma. He said this wouldn't be the only street in the City with a lot of traffic. As the City grew, streets were impacted. Mr. Green asked the Council to please be expedient.

Mayor Stevenson said they were trying to be as farsighted as possible on this decision.

Lowell Johnson, 47 North 2200 West, said he understood that things changed. He asked the Council to consider the impact to homes on 2200 West.

Loretta Foxley, 533 South 2200 West, said four years ago they went to the City Planner about putting a storage shed on their property. Ms. Foxley said the Planner stated that it wasn't on the Master Plan so she couldn't do it. She said she called the Mayor and some of the Councilmembers and was told that if the Planner said it wasn't going to happen it wouldn't happen. Ms. Foxley said she wondered why 2200 West was possibly going to be widened and impact her property when it wasn't on the Master Plan. Why was it okay for the City to go against the Master Plan and not an individual property owner? Ms. Foxley said everyone on 2200 West should be notified about the meeting on the 20th.

Mayor Stevenson said the meeting would be a public meeting and appropriately noticed. He said the West Davis Corridor was something that was before this Council and they would have to make a decision. Mayor Stevenson said instead of the Council just accepting what UDOT wanted to do, they had been looking at all alternatives and asking questions, which was what the residents would want them to do. He said there was no question that people would be impacted regardless of where the interchange was located. Mayor Stevenson said the Council had to make a decision on what was best for the entire City, and the only way to do that was to ask a lot of questions and study the options. He said no decision had been made and the City tried to be very transparent through the process. Mayor Stevenson said the Council was trying to think through this; take input from residents; and try to make the best decisions for future traffic needs.

Dwayne Call, 852 South 2200 West, said he was directly impacted by the lack of a decision on the Council's part as to where the off-ramp would be located. He said he was trying to sell his property because the West Davis Corridor was going directly through his farm. He couldn't sell the remainder of his property that UDOT had not purchased; he was in the same boat as Ed Green. Mr. Call said he was being held hostage because the Council couldn't make a decision; this was ruining their lives.

Mayor Stevenson expressed appreciation for the comments. He said part of the issue was that the City was still waiting to hear from UDOT on the actual alignment of the West Davis Corridor; that could move north or south near Mr. Call's property.

Mr. Call said UDOT had indicated that they were waiting for a decision from the City on whether the City wanted the off-ramp at 2200 West or 2700 West. He said if the off-ramp was at 2200 West, UDOT would need to purchase the balance of his property.

Marsha Ashby, 2668 East 1600 North, said she was a trustee of the Wayne and Cleone Flint Family Trust. She said part of the property Mr. Green was trying to rezone was in this trust. Ms. Ashby said the family home at 2202 West Gentile Street was in the process of a rezone and parcel split. She said they had the home listed for sale and they had two parties interested in purchasing the home, but those were on hold until a decision was made on 2200 West. Ms. Ashby encouraged the Council to make a decision.

Ed Green said they didn't have any input on the development agreement as it was written. He said the development agreement almost required that they give consent to the road at whatever time the City wanted to make that decision. Mr. Green said they would not agree to the development agreement as drafted. He said if they had been able to give input on the agreement they would have been able to make it work, but they were not given that opportunity.

Lowell Johnson said the link between the rezone and 2200 West was that if the City forced the development agreement all of the houses were devalued. If the rezone was approved without the development agreement discussions could continue about 2200 West, but forcing a development agreement on this developer told everyone else that might consider purchasing property in the area to hold off. Mr. Johnson asked the Council to approve the rezone without the development agreement.

Paul Waters, 98 South 2200 West, said he would reiterate what Mr. Johnson stated.

MOTION: Councilmember Brown moved to continue the public hearing and table Resolution 15-25 and Ordinance 15-18 to a date certain of August 6, 2015, allowing for additional discussion on the development agreement and hopefully allow time for a decision on 2200 West or 2700 West. Councilmember Freitag seconded the motion, which passed unanimously.

Mayor Stevenson said the Council would be meeting on July 20, 2015, and would try to make a decision on the location of the interchange. He expressed appreciation for everyone's patience.

Councilmember Freitag said regardless of where the interchange ended up going, the Council had to make a decision relative to what would happen with 2200 West. He said 2200 West and 3200 West would still have to carry a lot of traffic.

The meeting adjourned at 7:53 p.m.

Thieda Wellman, City Recorder